



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|---------------------------|---------------------|------------------|
| 10/762,294 | 01/23/2004 | Christopher Paul Chambers | 016955-0307491 | 4686 |

909 7590 12/07/2004

PILLSBURY WINTHROP, LLP
P.O. BOX 10500
MCLEAN, VA 22102

| |
|----------|
| EXAMINER |
|----------|

LANGDON, EVAN H

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3654

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,294

Applicant(s)

CHAMBERS, CHRISTOPHER
PAUL

Examiner

Evan H Langdon

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-16 is/are pending in the application.
- 4a) Of the above claim(s) 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-5 and 7-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 23 January 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. No copies of the two PCT references in question have been received.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bausenbach et al. (US 3,836,123).

In regards to claim 1, Bausenbach discloses a guide for a rope comprising a base plate 22, 24, an arcuate first arm 76 pivoted 92 to the base plate, an arcuate second arm 74 pivotally connected to the first arm and so as in a rest position to form an acute angle with the first arm, as seen in Figure 3, and biasing means 106, explained in column 4 line 62 to column 5 line 12, between the base plate and the second arm 74.

Art Unit: 3654

In regards to claim 2, Bausenbach discloses a the base plate carries a chain wheel 44, where the chain wheel has a periphery and the arms 74, 76 are positioned adjacent the periphery of the chain wheel.

In regards to claim 3, Bausenbach discloses the biasing means comprises a spring 106 connected to the second arm 74 at a position between the pivot points 92 between the base plate and first arm and a pivot point between the first and second arms.

In regards to claim 4, Bausenbach discloses the second arm carries a pressure member 78.

In regards to claim 5, Bausenbach discloses a guide for a rope or chain comprising a base plate, an arm 74 pivotally mounted on the base plate 22, 24, biasing means 106 between the base plate and the arm, and a pressure member 78 on the arm.

In regards to claim 7, Bausenbach discloses the arm 74 is substantially arcuate.

In regards to claim 8, Bausenbach discloses the pressure member 78 is substantially arcuate.

In regards to claim 9, Bausenbach discloses the pressure member is substantially arcuate and the pivot point of the pressure member is adjacent the convex face of the pressure member. Since the pressure member of Bausenbach is round and the pivot is in the center, the pivot point is inherently adjacent both the convex and concave sides of the pressure member.

In regards to claim 10, Bausenbach discloses the base plate carries at least one chain wheel 56 where the each chain wheel having a periphery where a pivot point between the arm 74 to the base being adjacent the periphery of the chain wheel or wheels.

In regards to claim 12, Bausenbach discloses the biasing means comprises a spring.

In regards to claim 13, Bausenbach discloses a winch including the guide.

Response to Arguments

Applicant's arguments filed 22 November 2004 have been fully considered but they are not persuasive.

In response to the argument that Bausenbach fails to disclose a base plate, please see 22, 24 in Figures 1, 3 and 4.

In response to the argument that Bausenbach fails to show disclose the first arm pivotally connected to the base plate that the second arm pivotally connected the first arm. The first arm 76 is pivotally connected at 92 to base plate 22, 24. The second arm 74 is pivotally connected at the same pivot point 92 to first arm 76. The first arm pivots relative to the base plate, and the second arm 74 pivots relative the first arm 76.

In response to the amended claim 5 now including a further limitation of an elongated pressure member, the pressure member 78 is a cylindrical roller and is elongated in a direction that is into the page of Figure 3, and in the y-direction of Figure 5. In the same way as the claimed invention's pressure member is an arcuate structure, but is elongated in one direction.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 3654

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H Langdon whose telephone number is (703)-306-5768. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703)-308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ehl



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600